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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION No. 1151 OF 2007

Office notes, :
office memoranda :
of coram, :
appearances, :
Court's orders : Court's or Judge's
directions & : order
Registrar's :
orders :

Mr. T. N. Tripathi, advocate for the petitioner.

Mr. S. Purohit i/b Mr. Pardiwala, advocate for the respondent No.1.

CORAM: J. N. PATEL,

A. A. SAYED, JJ.

DATE : AUGUST 6, 2007.

P.C.:

. Heard. By invoking extra-ordinary jurisdiction of this Court, the appellants have impugned the order below Exh. No.90 in O.A. No. 20/2004 of DRT-II Mumbai, dated 18-10-2006, as well as the order of the DRAT, Mumbai in Misc. Appeal No. 218 of 2006, passed on 24-4-2007.

2. It is the contention of the petitioner that by not allowing the

petitioner to cross examine the respondent's witness i.e. creditor, they are deprived of opportunity to defend the proceedings. The DRT as well as the appellate authority has examined the issue and we find that the pleadings and documents prima facie do not require any cross examination, as the parties can very well establish their respectives cases on the basis of the same. Further the petitioner is not left without a remedy in the matter and he can well challange the judgment and order in appeal. Therefore, we are not inclined to interfere in the impugned order and dismiss the petition with costs.

Sd/- Sd/-

[A. A. SAYED, J.] [**J. N. PATEL, J.]**